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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/608,289

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Nicholas L. Geranio

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EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3629

MAIL DATE

DELIVERY MODE

04/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/608,289	Applicant(s) GERANIO, NICHOLAS L.	
	Examiner NARESH VIG	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20040520;20030627</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser US Patent 5,664,115 in view of an article Coldwell Banker Changes How Consumers Work With Realtors and How They Access Online Information About the Housing Market.

Regarding claim 1, Fraser teaches method and an integrated property database and search engine for matching properties with buyers. Fraser teaches host system [Fraser, abstract] with the capability of incorporating

a master database that includes a property for sale database and a buyer's database [Fraser, Fig. 2, 3, and disclosure associated with the figures];

Fraser does not explicitly teach a means for generating and transmitting a plurality of requests to the buyers for ascertaining information to be contained in the buyers database. However, Fraser teaches Buyer database which stores information related to buyer. This clearly shows that Fraser implicitly teach a means for generating

and transmitting a plurality of requests to the buyers for ascertaining information to be contained in the buyers database. ColdwellBanker teaches Personal Retriever system and method which registers buyers by collecting buyer specific information, their house location, price range etc. [ColdwellBanker, page 2, para 2], to be able to automatically notify their users when a new listing comes to market.

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Fraser by adopting teachings of ColdwellBanker and gather buyer information to be able to automatically notify their clients when a new listing comes to market.

Fraser in view of ColdwellBanker teaches:

the property for sale database which has the capability for storing real estate information like property definition fields, the property definition fields including a property identification, a property location, and a property price [Fraser, Fig. 4c and disclosure associated with the Figure];

the buyers database which has the capability for storing information like plurality of buyers definition fields, the plurality of buyers definition fields including a buyer's identification, a location of interest, and an offer price [Fraser, Fig. 4b and disclosure associated with the Figure];

a means for generating and transmitting a plurality of requests to the buyers for ascertaining information to be contained in the buyers database [Fraser, Fig. 8b and disclosure associated with the Figure];

a means for generating and transmitting a plurality of inquiries to the properties for ascertaining information to be contained in the property for sale database [Fraser, Fig. 6B and disclosure associated with the Figure];

a means for incorporating information from the plurality of requests into the buyers database, and for incorporating information from the plurality of inquiries into the property for sale database [Fraser, Fig. 8b and disclosure associated with the Figure];
and

a search means for identifying properties in the property for sale database that have a property location within the location of interest for a buyer, and have a property price that is equal to or lower than the offer price [Fraser, Fig. 8b and disclosure associated with the Figure].

Regarding claim 2, Fraser in view of ColdwellBanker teaches capability wherein the search means is a recursive search algorithm.

Regarding claim 3, Fraser in view of ColdwellBanker teaches capability wherein the means for incorporating includes a computer network and software for importing data from the plurality of requests and the plurality of inquiries into the master database.

Regarding claim 4, as responded to earlier for claims 1 – 3, Fraser teaches method for matching properties with buyers. Fraser does not explicitly teach creating a buyers database. However, Fraser teaches buyer database. This clearly shows that

Fraser implicitly teach a means for creating a buyers database. ColdwellBanker teaches Personal Retriever system and method which registers buyers by collecting buyer specific information, their house location, price range etc. [ColdwellBanker, page 2, para 2], to be able to automatically notify their users when a new listing comes to market.

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Fraser by adopting teachings of ColdwellBanker and gather buyer information to be able to automatically notify their clients when a new listing comes to market.

Fraser in view of ColdwellBanker teaches capability for:

transmitting a plurality of requests to the buyers for ascertaining a preferred location and a preferred price range for each of the buyers [Fraser, Fig. 8b and disclosure associated with the Figure];

receiving at least some of the plurality of requests once they have been completed [Fraser, Fig. 8b and disclosure associated with the Figure];

creating a buyers database from the plurality of requests that are completed;

transmitting a plurality of inquiries for ascertaining a sales price and a location of the properties [Fraser, Fig. 8b and disclosure associated with the Figure];

receiving at least some of the plurality of inquiries once they have been completed [Fraser, Fig. 8b and disclosure associated with the Figure];

creating a property for sale database from the plurality of inquiries [Fraser, Fig. 8b and disclosure associated with the Figure]; and

identifying at least one property in the properties for sales database that has a location that matches the preferred location of at least one of the buyers, and that has a sales price equal to or less than the preferred price range of the at least one buyer [Fraser, Fig. 8b and disclosure associated with the Figure].

Regarding claim 5, Fraser in view of ColdwellBanker teaches capability for creating a buyer database wherein the buyer client is an investors who has a preferred location, a preferred price range, and a preferred type of property for each of a plurality of investors; and comparing the sales price, location, and type of property in the property for sale database with the preferred location, preferred price range, and the preferred type of property of the investors database to find investors that may be interested in financing the sale of the property.

Regarding claim 6, Fraser in view of ColdwellBanker teaches capability for transmitting an investment opportunity letter to the investor (ColdwellBanker teaches email capability).

Regarding claim 7, Fraser in view of ColdwellBanker teaches capability for receiving an acceptance from the investor.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

1. Florance et al. US Publication 2002/0065739
2. eRealty.com Continues National Expansion With Washington D.C./Baltimore Launch
3. Plug into the MLS Series: Home & Garden
4. Danielowski et al, European Publication EP 1022669 A2

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 26, 2008

/Naresh Vig/
Primary Examiner,
Art Unit 3629